



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,639	08/26/2003	Melvin Deien	PLWL	3902
1688	7590	09/12/2006	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			REIS, TRAVIS M	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,639	DEIEN, MELVIN	
	Examiner	Art Unit	
	Travis M. Reis	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14, 16-20, 22-24 and 26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14, 16-20, 22-24 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rear sight separably movable spaced from said forward sight as disclosed in claims 8 & 23, said sighting assembly to be separately mounted on said bow at a distance from said pin sight as disclosed in claims 14 & 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

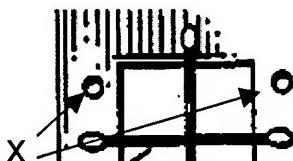
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Land (U.S. Patent 4982503).

Land discloses a rear sight system for improving aiming of an arrow fired by a bow (10) which has a base plate (16) and a forward sight (18), the rear sight system (61), comprising a rear sight (60) mounted on said base plate (Figure 1) such that said rear sight is adjustably movable along three axis of movement relative to said base plate (Figures 2, 3) said rear sight being separately movable (52) from said forward sight in a direction substantially parallel to a direction of flight of said arrow fired by said bow, said rear sight including a pair of alignment marks (X, see below),



located between a top of said rear sight and a bottom of said rear sight, that align with a pin (38) on said forward sight only when said bow is properly aligned such that said pin is located away from said rear sight and wherein said pin is obscured when said bow is misaligned (Figures 1-3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 10, 14, 17, 19, 20, 22-24, & 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Land in view of Theodore (U.S. Patent 3777380).

Land discloses all of the instant claimed invention as stated above in the rejection of claim 8, but does not disclose a sight groove having a length, a width, and a height such that the length has a longer dimension than the width.

Theodore discloses a sight (10) that has a groove (5) with a length (11) has a longer dimension than its width (12) (Figure 1) in order to facilitate rapid target acquisition and the tracking of moving targets (col. 1 lines 34-36). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to replace the rear sight disclosed by Land with the sight groove disclosed by Theodore in order to facilitate rapid target acquisition and the tracking of moving targets.

6. Claims 9, 11, & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Land in view of Fredrickson (U.S. Patent 2642661).

Land discloses all of the instant claimed invention as stated above in the rejection of claim 8 but does not disclose a groove in a V shaped cross section.

Frederickson discloses an archery sight (25) with a V shaped groove (58) to give an emergency point of aim in case of the forward sight (57)(Figure 2)(col. 4 lines 20-27). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to replace the rear sight disclosed by Land with the V shaped sight groove disclosed by Frederickson in order to provide an emergency point of aim.

7. Claims 5, 6, & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Land & Theodore as applied to claims 1-4, 10, 14, 17, 19, 20, & 22-26 above, and further in view of Fredrickson.

Land & Theodore disclose all of the instant claimed invention as stated above in the rejection of claims 1-4, 10, 14, 17, 19, 20, & 22-26 but do not disclose the groove is in a V shape cross section.

Frederickson discloses an archery sight (25) with a V shaped groove (58) to give an emergency point of aim in case of the forward sight (57)(Figure 2)(col. 4 lines 20-27). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to shape the groove disclosed by Land & Theodore in the shape of a V in order to provide an emergency point of aim.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Land & Theodore as applied to claims 1-4, 10, 14, 17, 19, 20, & 22-26 above, and further in view of Schroeder (U.S. Patent 4220983).

Land & Theodore discloses all of the instant claimed invention as stated above in the rejection of claims 1-4, 8, 10, 14, 17, 19, 20, & 22-26 but do not disclose a light to illuminate said alignment marks on each side of said groove such that the alignment marks are visible in low light.

Schroeder discloses an illuminated bowsight (12) including a light emitting diode (26) located centrally relative to the sight in order to illuminate the ring (16) in order to sight targets in dim conditions (Figure 4)(col. 1 lines 49-51). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the light emitting diode disclosed by Schroeder to the sighting assembly disclosed by Land & Theodore in order to sight targets in dim conditions.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Land & Frederickson as applied to claims 9, 11, & 12 above, and further in view of Schroeder.

Land & Frederickson disclose all of the instant claimed invention as stated above in the rejection of claims 9, 11, & 12 but do not disclose a light to illuminate said alignment marks on each side of said groove such that the alignment marks are visible in low light.

Schroeder discloses an illuminated bowsight (12) including a light emitting diode (26) located centrally relative to the sight in order to illuminate the ring (16) in order to sight targets in dim conditions (Figure 4)(col. 1 lines 49-51). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the light emitting diode disclosed by Schroeder to the sighting assembly disclosed by Land & Frederickson in order to sight targets in dim conditions.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Land, Theodore, & Frederickson as applied to claims 5, 6, & 16 above, and further in view of Schroeder.

Land, Theodore, & Frederickson disclose all of the instant claimed invention as stated above in the rejection of claims 5, 6, & 16 but do not disclose a light to illuminate said alignment marks on each side of said groove such that the alignment marks are visible in low light.

Schroeder discloses an illuminated bowsight (12) including a light emitting diode (26) located centrally relative to the sight in order to illuminate the ring (16) in order to sight targets in dim conditions (Figure 4)(col. 1 lines 49-51). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the light emitting diode disclosed by Schroeder to the sighting assembly disclosed by Land, Theodore, & Frederickson in order to sight targets in dim conditions.

Response to Arguments

11. Applicant's arguments with respect to claims 1-14, 16-20, 22-24, & 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M. Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Travis M Reis
Examiner
Art Unit 2859

tmr
September 6, 2006

Diego Gutierrez
Supervisory Patent Examiner
Tech Center 2800

G. Bradley Bennett
G. BRADLEY BENNETT
PRIMARY EXAMINER
A V Z859